

INITIAL STUDY

The Department of Toxic Substances Control (DTSC) has completed the following Initial Study for this project in accordance with the California Environmental Quality Act (§ 21000 et seq., California Public Resources Code) and implementing Guidelines (§15000 et seq., Title 14, California Code of Regulations).

I. PROJECT INFORMATION

Project Name: Hitachi Global Storage Technologies, Incorporated, Permit Renewal and Removal Action Workplan

Site Address: 5600 Cottle Road

City: San Jose State: California Zip Code: 95193-0001 County: Santa Clara

Company Contact Person: Elizabeth K. Zimmermann

Address: 5600 Cottle Road (PFX/123)

City: San Jose State: California Zip Code: 95193 Phone Number: (408) 717-8168

Project Description:

The Department of Toxic Substances Control (DTSC) is renewing a Hazardous Waste Facility Permit for Hitachi Global Storage Technologies, Incorporated (Hitachi GST) in accordance with Section 25200 of the California Health and Safety Code, Division 20, Chapter 7.5 and the California Code of Regulations, Title 22, Division 4.5. The Hitachi GST facility (Facility) would be authorized to perform hazardous waste management activities under a Resource Conservation and Recovery Act (RCRA) equivalent permit as more fully described below. Hitachi GST's hazardous waste management activities are fully described in the Operation Plan (Part "A" and Part "B" Permit Applications), dated January 23, 2003, revised February 11, 2005. The Facility was previously owned and operated by International Business Machines Corporation (IBM) in accordance with Hazardous Waste Facility Permits issued in April 1985 and December 1992.

DTSC is also approving a Removal Action Workplan for a 10.49 acre portion of the Facility proposed to be sold to the City of San Jose. This portion of the Facility is identified as Parcel O-6 and is located on the eastern side of the Facility. Based on samples collected on Parcel O-6, DTSC has determined that corrective action is required for arsenic and asbestos. The Removal Action Workplan proposes removal of approximately 3,000 cubic yards of soil contaminated with arsenic and 2,500 cubic yards of fill material containing naturally occurring asbestos for off-site disposal. The amount of material will require 300 to 350 truckloads. The Removal Action will require approximately 6 weeks of field activities.

Facility Location:

The Hitachi GST facility is located approximately seven miles southeast of downtown San Jose near the intersections of Monterey Highway and Blossom Hill Road. The 332 acre site is approximately bounded by Monterey Highway and the Southern Pacific Railroad right-of-way on the north, Manassas Road on the east, Highway 85 to the south, and Cottle Road on the west. The site is zoned for industrial use and mixed industrial; commercial and residential uses are in the surrounding areas. Reference maps are provided in the attached Figure 1, Site Orientation Map, and Figure 2, Location of Hazardous Waste Management Units.

Facility Background/History:

Prior to 1955, the site was agricultural land and associated residences. IBM purchased the site in 1955 and operated the Storage Technology Division through 2002. IBM designed, developed, and manufactured computer storage devices, including hard disk drives, read/write heads, and disk storage media. IBM received a Hazardous Waste Facility Treatment and Storage Permit on April 25, 1985. The Permit was for the treatment and storage of aqueous wastes and heavy metals. A subsequent Permit was issued on December 19, 1992, to allow for the continued operation and modifications to the existing hazardous waste facilities, contingency plan, inspection procedures, and operating procedures.

On October 30, 2002, a public notice was issued to announce the transfer of ownership of the former IBM permitted hazardous waste treatment and storage facility to a new wholly owned subsidiary of IBM named Mariana HDD.B.V. In January 2003, Mariana HDD.B.V., again changed ownership and operator status to Hitachi GST. Similar to IBM, Hitachi GST is responsible for the design, development, manufacture, and OEM (Original Equipment Manufacturing) sales of computer storage devices. Products include hard disk drives, storage management, and technology components (recording heads and disks). The change in ownership did not significantly affect waste management activities on-site and did not increase waste generation or add new waste operations to the Facility. The Permit issued to IBM expired on December 19, 2002, but facility operations have been continued in accordance with the expired permit because IBM submitted a timely permit renewal application. Hitachi GST submitted a permit application on January 23, 2003, which has been revised several times through February 11, 2005.

In December 2002, the Building 042 Annex (B042 Annex) was removed from the permit pursuant to an approved Closure Plan. Currently, the B042 Annex is not a permitted unit. This space is leased from Hitachi GST by IBM. IBM operates the B042 Annex unit under 90-day generator status. This space is used for less than 90-day accumulation of hazardous wastes generated in the leased portions of the Hitachi GST Facility. The B042 Annex is regulated by the local Certified Unified Program Agency.

Building 110 B, a non-hazardous Industrial Waste Water storage area that is confirmed by periodic analytical results, is a leased area and is not part of the permit.

Permit Renewal:

The permit renewal process provides DTSC the opportunity to review the Facility's application and operational procedures for compliance with current requirements for hazardous waste management. Hitachi GST will be authorized to perform the activities summarized below and as more fully described in the attached draft RCRA-equivalent Hazardous Waste Facility Permit (Exhibit A).

Facility Operations:

Manufacturing and development activities involving chemical use are primarily etching, coating, plating, cleaning, and assembly. The chemicals used at the Facility include corrosive acids and bases, halogenated and non-halogenated organic solvents, lubricants, adhesives, and resins. Hazardous wastes generated from these processes are either treated on-site or transported off-site for recycling or disposal at an authorized hazardous waste facility. Treatment processes at the Facility include both chemical and physical treatment (e.g., pH adjustment, precipitation, waste bulking, etc.). The waste management activities are primarily conducted at: Building 042 for container storage, waste bulking, and container rinsing; Central Tank Farm B, and various waste vaults for storage in tanks; and Buildings 110 A and D for industrial waste water treatment. Non-industrial waste water is treated at Building 110 B; however, as mentioned above, it is not part of the permit.

Hazardous Wastes:

Detailed information on the hazardous wastes managed by the Facility can be found in the Section 5.0 of the approved permit application (Operation Plan). The Operation Plan lists 64 waste streams that are routinely managed at the Facility. All hazardous wastes are generated on-site. No wastes are accepted from off-site sources. However, IBM operates as a tenant on leased Facility portions and waste water from IBM operations is treated in the Hitachi GST Industrial Waste Water Treatment Facility (IWWTF) at Buildings 110 A and D. The Facility handles the following materials types:

- Flammable/combustible:
- Acid:
- Base:
- Oxidizers:
- Poisons:
- General:
- Precious metals:
- Polychlorinated biphenyls (PCB):
- Fluorescent tubes
- Chlorinated fluorocarbons (CFC) strategic reserve.

Building 042:

Building 042 is the central station for receiving, classifying, repackaging, storing and shipping hazardous wastes stored in containers. Building 042 comprises two buildings: one is permitted and includes Hitachi GST hazardous waste only. The other building is the B042 Annex previously described under the Facility Background and is not part of this permit. The permitted Building 042 stores containerized hazardous wastes for greater than 90 days; rinses containers (rinse water is plumbed and treated at Building 110 A-Concentrate Plant, and bulk packages chemically compatible materials. Solvents are primarily transferred into 55-gallon drums. Wastes are delivered to Building 042 in a variety of containers including, but not limited to, drums, cans, bottles and cartons. Depending on the container that is delivered to Building 042, the wastes may be repackaged into Department of Transportation (D.O.T.)/United Nations (UN) approved containers for storage and shipment. These containers include, but are not limited to: carboys; polypropylene drums; roll-off bins; and, unlined and lined, steel drums, fiber drums, and fiberboard boxes.

Waste Storage: Wastes in Building 042 are segregated during storage in rooms to prevent incompatible waste mixing based on hazardous waste properties. A detailed list of the storage rooms and capacities is in Exhibit A. The total volume of hazardous waste allowed to be stored in Building 042 is 88,900 gallons, based on the volumetric capacity of the containers. Waste may be stored for no longer than one year. Spill containment is provided by epoxy-urethane coated floors and curbs in the storage rooms and drains to spill containment tanks located in Waste Vaults WV-27 and WV-28.

Waste Bulking: The process of bulking chemicals and chemically contaminated solids having similar hazardous properties is conducted at Building 042 to provide for more efficient, cost-effective waste handling. Chemicals received in small containers are combined into separate larger containers, for example 55-gallon drums or 1 cubic yard fiberboard boxes. Only wastes with similar hazardous properties are placed in the same container.

Container Rinsing: Empty containers previously containing hazardous materials are rinsed in one of two bottle washers, located in Building 042 rooms, Acid Storage 2 or Base Storage 2. The specific bottle washer used depends on the hazardous properties of the chemicals previously held in the container to prevent incompatibility reactions from occurring. The bottle washers typically use only water. The rinse water from the bottle washer in Acid Storage 2 is discharged to a tank in WV-27. The rinse water from the bottle washer in Base Storage 2 is discharged to a tank in WV-28. The rinse water from the waste vault tanks is pumped to the IWWTF in Buildings 110 A and D for treatment prior to discharge to the Publicly Owned Treatment Works (POTW). The rinsed containers are recycled, returned to the vendor, or disposed of in a sanitary (non-hazardous waste) landfill.

Waste Vaults and Central Tank Farm B:

Hazardous Waste Storage in Tanks: Hazardous waste storage tanks are located in waste vaults exterior to the manufacturing or process area buildings where the waste is generated and at Central Tank Farm B. There are 11 waste vaults containing 32 tanks with a combined total capacity of 62,712 gallons. The waste vaults are generally in-ground reinforced concrete structures with a protective coating on the walls and floors. Central Tank Farm B contains 10 tanks each with a capacity of 7,000 gallons for a total capacity of 70,000 gallons. Details about the location, waste, and capacity of the tanks are provided in Exhibit A. In general, tanks in waste vaults containing waste waters are connected by pipelines to the IWWTF at Buildings 110 A and D. Tanks in waste vaults containing organic solvents are connected by pipelines to tanks at Central Tank Farm B. Wastes in tanks that are not treated at the IWWTF are transferred to bulk tanker trucks or containers for off-site recycling or treatment and disposal. Spill containment for the waste tanks is provided by the waste vaults and, in some cases, also by tank-in-tank construction. All pipelines are secured by secondary containment in the form of pipe-in-pipe construction.

Buildings 110 A and Building 110 D Industrial Waste Water Treatment Facility:

Waste Treatment: The various waste water streams are transmitted from the manufacturing areas to Buildings 110 A and D through a network of pipelines contained in trenches and tunnels. There are two treatment systems at Building 110 Concentrate Waste Water Treatment System and Organic Treatment System. Buildings 110 A and D have 17 hazardous waste tanks ranging in size from 500 to 260,000 gallons with a total capacity of 607,409 gallons.

Building 110 A – Concentrate Waste Water Treatment System: This treatment system includes neutralization and metals removal. The two most common metals removed are copper and nickel. Two waste streams are treated together in the Concentrate Waste Water Treatment System, waste waters that contain metals, and waste water from regeneration of ion exchange resins. The waste streams are combined and neutralized by adding caustic or hydrochloric acid. Then metal precipitant, flocculation aid, and flocculants are added to form insoluble solids with the metals in the waste water. The

treatment flow is sent to two flocculation tanks where large flocculation particles form and then to gravity clarifiers where the flocculation particles (containing the waste metals) settle in the bottom of the clarifiers. The solids from the clarifiers are sent to a sludge thickener, a sludge decant tank, and then to a filter press to further reduce the water content of the sludge. The solids from the filter press are stored in a bin below the filter press until sent off-site for disposal. The treated water from the clarifiers flows to a holding sump, is pumped to a final holding tank, and then discharged to the sewer. The sludge from this process is shipped off-site as hazardous waste.

Building 110 D – Organic Treatment System: The Organic Treatment System is designed to treat dilute organic waste water which contains non-chlorinated hydrocarbon wastes. The main source of organic waste water is condensate from steam cleaning of the carbon adsorption scrubbers of the air abatement systems. The organic waste water is collected in a flow equalization tank and pumped to a fixed film reactor and then to two rotating biological contactors (RBCs). Microorganism growth in the fixed film reactor and the RBCs converts the hydrocarbon waste in the waste water to biomass. The treated waste water flows to an effluent sump and is then pumped to the Concentrate Waste Water Treatment System where the suspended biomass is removed with the flocculated metals and the treated water is discharged to the sewer. The Facility has been issued a waste water discharge permit by the San Jose/Santa Clara Waste Water Treatment Plant. There are no plans to change Facility operations or utilities that would impact discharge limits established in this permit or the Publicly Owned Treatment Works (POTW), which is permitted by the Regional Water Quality Control Board. These treatment systems treat the various waste water streams to an acceptable level for the intended use or to meet the discharge requirements set forth by governmental standards. As with most such systems, operational parameters such as flow rates, chemical additives, flow paths, treatment processes, process parameters (including but not limited to pH, suspended solids, total dissolved solids, total organic carbon, heavy metals, etc.) and other aspects of the system are subject to change as operational conditions dictate. Changes to system operation are made as necessary in order to provide continued compliance with the discharge requirements set by the local POTW and other applicable requirements (for example, Occupational Safety and Health Administration, Bay Area Air Quality Management District, etc.).

Groundwater Protection Program: The Facility has an established groundwater protection program throughout the site. Groundwater monitoring wells have been installed on the site to monitor both the water levels/gradients and the water quality of the aquifers beneath the site. The wells are located in both upgradient and down-gradient areas to determine if site chemical handling activities impact the groundwater beneath the site. As site conditions and needs change, wells are routinely installed or properly closed to meet monitoring and water supply needs.

On-Site Waste Transport: Chemical management personnel located within Building 042 are responsible for on-site waste transport. This operation may be performed by a qualified subcontractor. On-site chemical waste transport includes picking up wastes generated at various buildings and storing them at Building 042. Buildings 001, 002, 004, 005, 006, 007, 012, 013, 014, 015, 021, 026, 028, 050, 067, 100, and 110 are routinely serviced. Wastes may be picked up at other buildings as manufacturing, development, and Facility needs change. Pickups are made whenever a pickup request is received.

Off-Site Waste Transport: Chemical wastes are hauled off-site by several private waste hauler companies. Waste trucks usually enter and leave the Facility plant site through the main gate at Cottle and Poughkeepsie or Gate 8 at the southwest Facility corner. Typically, hazardous wastes are shipped off-site for disposal or recycling using 45 foot enclosed van trailers, stake side flatbeds, bobtail enclosed van, or tanker trucks as required depending on the waste types to be shipped. The number of vehicles used to transport wastes over a given time frame fluctuates due to the variability of process batch operations and ongoing waste minimization efforts. Most shipments are made in tankers that are used for solvent waste transport to recyclers. Bulk hazardous Waste destined for off-site transport is loaded on to registered licensed hazardous waste hauler vehicles under the supervision of the Hitachi GST Chemical Operations staff. Chemical Operations personnel must be present during each loading operation. Prior to loading operations, the Chemical Operations personnel must visually check the tanker and fill equipment. Waste trucks exit the Facility using White Plains Road, Perimeter Road, and then enter Highway 101.

Waste Stream Characterization: Waste streams are characterized by a waste profile form. Initial sampling and analysis of all routine waste streams is obtained in order to complete the form. This information is used to determine the proper treatment or disposal option for the waste type. Prior to shipping, the waste within the Facility or off-site, the wastes are packaged, labeled, marked, and placarded in accordance with Department of Transportation regulations, Title 49 Code of Federal Regulations, parts 172, 173, 178, and 179.

Facility Safety and Emergency Equipment: The Facility retains an up-to-date Emergency Contingency Plan. A Facility Health and Safety Plan is maintained in accordance with State and federal laws. Appropriate personal protective

equipment is provided as appropriate to staff duties. Staff in Building 042 retain the following on hand: goggles, gloves, various, boots, safety shoes, aprons, face shields, pagers, telephones, radios, fire extinguishers, and first aid supplies. In addition, eyewash/safety showers are located in close proximity to the work station in each area where hazardous waste is handled or stored. In addition, in the Industrial Waste Water and Chemical Maintenance area, the following equipment is used in the performance of duties: combustible gas monitoring equipment, two-way radios (carried at all times when working in hazardous waste areas). The radios are multi-channel radios and monitor the following Facility channels: Security, Facilities Maintenance, Chemical Maintenance, Building Managers, Safety/Industrial Hygiene/Environmental, and Disaster Management. Other equipment available for use includes: self-contained breathing apparatus, non-sparking tools, uniforms, chemical resistant clothing, transfer pumps, emergency response utility truck in the Chemical Maintenance area. The buddy system is required for all confined space work areas. Warning signs are posted in hazardous waste storage areas in both Spanish and English.

Facility Security: All security personnel carry a two-way radio. The Security dispatcher is located in Building 109. The Facility Security department monitors all fire alarms. The system uses a multiplexing system so that when the alarm is received, the exact device (that is, pull box, smoke detector, riser, etc.) or zone activated is known. The Security Control Center is manned 24 hours a day and maintains contact with field security officers. Facility entry is controlled to prevent unauthorized entry. The Facility is patrolled 24 hours a day. The entire Facility perimeter is surrounded by a fence. Closed circuit televisions monitor special areas, that is, lobbies and docks. Alarms are located in high security buildings and include motion detectors, door contact alarms, infrared alarms, and "panic buttons."

Chemical waste storage areas are protected by fire alarms. Gas or vapor detection alarms are used in all the below grade waste vaults where flammable materials are stored. The alarms are activated when the flammable gas concentration reaches 40% of its lower explosive limit. In addition to gas detectors, water flow or deluge sprinkler alarms are found at several waste vault areas. These alarms are activated when the fire sprinklers are set off.

Facility Inspections: The Facility maintains Facility Inspection Checklists and Schedules for the following: Buildings 110 A and D, Waste Water Treatment Plant, Fire protection, and Building 042 Chemical Distribution Center and Bulk Tank Locations - all waste vaults, tanks, piping, and sumps. Tanks, piping, valves, pumps and instrumentation are inspected daily. The bulk organic waste tanks primarily contain organic solvents. These chemicals are typically non-reactive individually or in combination with each other. Waste streams are segregated to assist to prevent unsafe conditions that may occur due to incompatibility and to provide for cost-effective solvent reclamation. All of the bulk waste collection tanks are provided with overfill protection with high-level alarms and are monitored by personnel within the building. Containers stored within Building 042 are inspected Monday through Friday. The inspection includes checking for leaks and evidence of deterioration. Damaged containers will have their contents transferred to new containers or over packed into larger containers. Empty containers are also managed in this area. Storage and handling procedures are designed to maximize employee safety. The areas are protected from direct sunlight but provided with ventilation and air circulation to reduce buildup of explosive gas mixtures. Aisle space is maintained between container rows to allow access to containers and for inspections.

Emergency Contingency Plan: The Facility also maintains an emergency Contingency Plan. This plan describes the actions to be taken by the Facility in response to fires, explosions, or other significant releases of hazardous waste to air, soil or surface water. The plan is designed to minimize hazards to human health or the environment resulting from a hazardous waste incident. This plan also applies to leased (tenant-occupied) Facility areas. In the event the tenant does not immediately respond to an incident, Hitachi, GST, will immediately take action. Contingency Plan copies are maintained at the Facility and are submitted to local police departments, fire departments, hospitals, State and local emergency response teams that may be called upon to provide emergency services. In addition, the City of San Jose Police Department and Fire Department conduct familiarization tours on a periodic basis.

Health and Safety Plan: All personnel in the Chemical Distribution Department, Industrial Waste Water and Chemical Operations Departments, Security Department, Emergency Coordinator support Hazardous Waste Management Response operations routinely handling, storing, using or disposing hazardous waste materials are trained to recognize and avoid the potential safety and health hazards related to their assignments. Training includes but is not limited to the following elements:

- Safety awareness and safety rules;
- Safe work practices;
- Use of Material Safety Data Sheets;
- Departmental procedures;
- Emergency procedures;
- Daily equipment inspection;

Process equipment start-up and emergency shutdown procedures;
Ongoing internal education;
Hazard communication (Occupational Safety and Health , Title 40, Code of Federal Regulations, Section 1910.120);
Site Specific Treatment Storage Disposal Operations;
Site Specific Emergency Response;
Chemical Safety;
Hazard Recognition;
Emergency evacuation plans, Preparedness/ Earthquake Safety;
Personal Protective Equipment;
Defensive Driving and Safe Vehicle Operations;
Respiratory Protection;
Confined Space Entry and Rescue;
Electrical Safety & Lock-Out/Tag Out;
Chemical Safety;
Forklift Trucks;
Hazardous Waste Handling,
Hazardous Materials Transportation;
Storm Drain Discharges, Environmental Issues;
Electric Trucks.

Waste Reduction Senate Bill 14 Plan: An on-site program to reduce the volume or quantity and toxicity of hazardous waste is practiced to the extent practicable. This program also ensures that treatment, storage, and disposal methods used are the practicable methods currently available to minimize present and future threat to human health and the environment. Certification statements are retained as part of the Site Operating Record.

Facility Closure Plan: The Facility has prepared a Closure Plan in accordance with the requirements specified in California Code of Regulations, title 22, section 66264.112. The closure plan addresses permitted operations, including partial and complete facility closure. Complete Facility closure activities would include total shutdown and decontamination and final disposition of all permitted units and equipment that have been used to contain, transport, store, or treat hazardous waste. Partial closure would involve the shutdown, decontamination and final disposition of a portion of the permitted Facility or a conversion of a permitted unit to hazardous waste generator status or to non-hazardous material/waste status. Currently, Hitachi GST has stated that there is no intention to close the San Jose plant during the 10-year permit period.

Financial Responsibility for Closure: Pursuant to the financial requirements of the California Code of Regulations, title 22, sections 66264.143 and 66264.147, Hitachi GST must meet financial responsibility requirements for closure and liability coverage on an annual basis. Current documents have been approved by DTSC.

Site Remediation/Corrective Action Activities:

Investigation of potential release of chemicals to soil was started by IBM in 1978. Discovery of soil contamination beneath a direct buried chemical tank farm in 1980 was reported to the RWQCB. In 1982, confirmation of detection of chemicals in groundwater was also reported to the RWQCB. Since that time, the RWQCB has acted as the lead agency for cleanup of releases of chemicals to soil and groundwater. In December 1984, the RWQCB issued Order No. 84-90 titled, "Waste Discharge Requirements for Hazardous Materials Clean-up: International Business Machines Corporation, San Jose, Santa Clara County." This Order served as the basis for the corrective action that was described in the final Permit issued to IBM by DTSC on April 25, 1985.

Order 84-90 required IBM to prepare a report that evaluated the nature and extent of all releases of hazardous materials at the site and proposed plans for clean-up of contamination both on- and off-site. The report was submitted to the RWQCB in December 1986. The report was formatted to meet the requirements of Order 84-90 for the RWQCB, the Remedial Action Plan requirements for DTSC, and the Remedial Investigation/Feasibility Study (RI/FS) requirements of US EPA. Based on agency comment, the report was revised in June 1987. A supplement to the report to incorporate a modification to the selected clean-up alternative was issued in April 1988. The report and supplement described the investigation and cleanup activities completed from 1978 to date and proposed the final site cleanup alternative.

On October 19, 1988, The RWQCB approved the final cleanup plan and issued Site Cleanup Requirements (SCR) Order No. 88-157 and Order No. 88-158, National Pollutant Discharge Elimination System (NPDES). US EPA issued a Record of Decision based on the SCR Order. DTSC approved the SCR Order via memorandum dated August 17, 1988, and October 17, 1988.

In accordance with the SCR Order and NPDES permit, IBM installed and operated groundwater and soil and soil vapor cleanup facilities. Groundwater cleanup facilities have included: wells, pumps, and pipelines to extract and transport groundwater; treatment via air stripping and via phase separation and steam stripping with vapor abatement; and, treated groundwater reuse or recharge. Soil and soil vapor cleanup facilities have included: soil storage and biological treatment for petroleum hydrocarbons; soil vapor extraction wells and piping, and treatment via carbon abatement units.

Status review reports on the site cleanup activities were submitted by IBM on October 19, 1993, and October 19, 1998, and were accepted by the RWQCB. On August 21, 2002, the RWQCB rescinded SCR Order No. 88-157 and approved a revised Final Site Cleanup Requirements Order No. R2-2002-0082. The most significant changes in the new SCR Order include the following: groundwater cleanup standards for the B-zone and deeper aquifers are based on drinking water standards rather than hazard index calculations; soil cleanup requirements are eliminated (since known, affected soils are remediated); requirements for specific methods of statistical data evaluation is removed; reporting frequency is reduced; and, there is a list of wells and sampling frequencies.

The Corrective Action section of the Permit places the ultimate responsibility for Facility corrective action on Hitachi GST. IBM is required to complete corrective action in accordance with the RWQCB SCR Order. However, the Permit requires Hitachi GST to complete corrective action if IBM fails to do so. The Permit also requires Hitachi GST to notify DTSC and to complete corrective action for any new or newly discovered releases that are not covered by the RWQCB SCR Order R2-2002-0082.

Removal Action Workplan for Parcel O-6 and Corrective Action Completeness Determination:

Corrective Action means that a hazardous waste facility must clean up contamination that resulted from past practices on their entire property. Corrective Action applies to a broad range of hazardous substances releases and is not limited to hazardous wastes. The goal of Corrective Action is to clean up contaminated soil, surface water, and groundwater to protect human health and the environment. The United States Environmental Protection Agency (US EPA) issued guidance for making decisions about completion of Corrective Action in February 2003. When a determination is made that Corrective Action is complete, facility property may be sold to new owners without transferring liability for Corrective Action to the new property owners. Also, when Corrective Action is complete, the property may be removed from the boundary of the permitted hazardous waste facility. Corrective Action may be determined to be complete without or with "Controls." Controls may be restrictions on the use of the property, notices in the property deed describing the condition of the property, operation and monitoring of groundwater extraction and treatment systems, or other property maintenance and monitoring activities.

Hitachi GST proposes to sell 10.49 acres of the facility property to the City of San Jose for development as a police substation. This property is identified as Parcel O-6 and is located in the eastern corner of the facility near Building 050. The property is bounded by the following roads: Tucson Way, Brooklyn Avenue, Austin Drive, and Manassas Road. Parcel O-6 currently consists of orchards and parking lot areas for Building 050. Parcel O-6 consisted of tree orchard and small farm-related buildings and residences from at least 1939 until the early 1980's when IBM developed Building 050, its parking lots, and the roads surrounding Parcel O-6. In September and October 2004, soil samples were collected from Parcel O-6 and analyzed for metals, organochlorine pesticides (OCPs) and polynuclear aromatic hydrocarbons (PAHs). Samples from fill material under the parking lot were analyzed for asbestos. The sample results are presented in the, "Site Investigation Report, Parcel O-6," dated December 2, 2004, prepared by ENVIRON International, Corporation. Arsenic was detected in the orchard area near Manassas Road at concentrations (maximum 270 mg/kg) above the apparent local background concentration (approximately 9 to 12 mg/kg) and above human health risk criteria. The OCPs 4,4'-DDE, 4,4'-DDT, and Dieldrin were detected, but at concentrations below human and ecological risk criteria. PAHs were not detected in any sample. Asbestos was detected in the fill material underlying the parking lot at concentrations up to 8 percent by weight. Based on these results, DTSC determined that corrective action was required for arsenic - contaminated soil and asbestos-containing fill material on Parcel O-6. DTSC issued a Corrective Action Consent Agreement, Docket No. P2-04/05-002, to Hitachi GST on February 18, 2005, for the corrective action on Parcel O-6.

The "Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California," dated March 3, 2005, prepared by ENVIRON International, Corporation, describes the corrective action for arsenic and asbestos on Parcel O-6. The RAW identifies area where arsenic or asbestos are in concentrations greater than defined removal action goals. The removal action goal for arsenic is an average concentration of 8 milligrams per kilogram (mg/kg) with a maximum concentration of 12 mg/kg. This goal is based on an evaluation of the concentration of arsenic found in non-contaminated soil in the vicinity of Parcel O-6. The removal action goal for asbestos is 0.25 percent, which is the detection limit of the analysis method. It is estimated that 3,000 cubic yards of soil contaminated with arsenic

and 2,500 cubic yards of fill material will be removed for off-site disposal or recycling. Approximately 300 to 350 truckloads will be required over a 4 week period. Dust generation will be controlled in accordance with an Asbestos Dust Mitigation Plan approved by the Bay Area Air Quality Management District. Soil samples will be collected and analyzed to confirm that the removal action goal for arsenic is met. Removal of fill material that contains asbestos in excess of 0.25 percent will be based on visual observation of complete removal of the fill material to the depth of native soil. Overall the removal action will take approximately 6 weeks on-site to complete. When Hitachi GST successfully completes the removal action and reports it to DTSC, then DTSC will make a Corrective Action Complete without Controls determination for Parcel O-6. Also, at that time, Hitachi GST may request a Class 1* permit modification to change the Facility boundaries to remove Parcel O-6 from the Facility.

The proposed development activities on Parcel O-6 are not part of this project. They are evaluated in separate CEQA documents prepared by the City of San Jose. On November 12, 2004, the City of San Jose issued a Mitigated Negative Declaration for the proposed police substation. The project mitigations are related to construction activities that will result from development. This document can be located on the City of San Jose's web site and is titled "Intent to Adopt a Mitigated Negative Declaration, Police Substation number PPO4-304."

Hitachi GST Campus Redevelopment:

The City of San Jose issued a Notice of Preparation on August 5, 2004 announcing the Draft EIR for proposed land use changes for the Hitachi GST campus. The Hitachi GST campus redevelopment is not part of this project. However, DTSC will have a future project to make Corrective Action Completeness determinations and facility boundary changes for the portions of the Facility proposed for sale and redevelopment. Among the changes included in this proposal are: change from Industrial Park to Mixed Use with No Underlying Land Use Designation and update the General Plan's Mixed Use Inventory via a text amendment; Rezone the site from Industrial Park to Planned Development; and establish a development agreement between Hitachi GST to provide objectives and guidelines for the development of the site. The City of San Jose will prepare a Draft EIR that will evaluate the environmental impacts of the proposed projects. The Draft EIR is anticipated for release in 2005. This Draft EIR will include a human health risk assessment based on past facility use.

II. DISCRETIONARY APPROVAL ACTION BEING CONSIDERED BY DTSC

- | | | |
|----------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------|
| <input type="checkbox"/> Initial Permit Issuance | <input type="checkbox"/> Closure Plan | <input type="checkbox"/> Removal Action Workplan |
| <input checked="" type="checkbox"/> Permit Renewal | <input type="checkbox"/> Regulations | <input type="checkbox"/> Interim Removal |
| <input type="checkbox"/> Permit Modification | <input type="checkbox"/> Remedial Action Plan | <input checked="" type="checkbox"/> Other (Specify)
Removal Action Workplan |

Program/ Region Approving Project: DTSC Standardized Permitting and Corrective Action Branch

DTSC Contact Person: Paul Ruffin

Address: 8800 Cal Center Drive, 2nd Floor

City: Sacramento State: California Zip Code: 95826- Phone Number: (916) 255-6677

III. ENVIRONMENTAL RESOURCES POTENTIALLY AFFECTED

The boxes checked below identify environmental resources in the following ENVIRONMENTAL SETTING/IMPACT ANALYSIS section found to be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact."

- | | | |
|-----------------------------------------------------|-----------------------------------------------|-------------------------------------------------|
| <input checked="" type="checkbox"/> None Identified | <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources |

- | | | |
|-----------------------------------------------------|----------------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Geology And Soils | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation and Traffic | <input type="checkbox"/> Utilities and Service Systems | |

IV. ENVIRONMENTAL IMPACT ANALYSIS

The following pages provide a brief description of the physical environmental resources that exist within the area affected by the proposed project and an analysis of whether or not those resources will be potentially impacted by the proposed project. Preparation of this section follows guidance provided in DTSC's California Environmental Quality Act Initial Study Workbook [Workbook]. A list of references used to support the following discussion and analysis are contained in Attachment A and are referenced within each section below.

Mitigation measures which are made a part of the project (e.g.: permit condition) or which are required under a separate Mitigation Measure Monitoring or Reporting Plan which either avoid or reduce impacts to a level of insignificance are identified in the analysis within each section.

1. Aesthetics

Project activities likely to create an impact:

No development is proposed at the Hitachi GST hazardous waste storage and treatment facility. The Removal Action on Parcel O-6 will require site clearing, grading and shallow soil excavation, and creation of temporary soil and debris stockpiles over an approximately 6 week period.

Description of Environmental Setting:

Residential communities with intermixed commercial areas characterize the area surrounding the Hitachi GST Facility. There are several small retail shopping malls in addition to smaller retail and restaurant developments in areas adjacent to the Facility. Highway 85 and the county light rail system are located immediately south of the Facility, and Highway 101 is north of the Facility. Parcel O-6 is in the eastern portion of the Facility and is not observable from the nearest residential community north and east of the Facility.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Have a substantial adverse effect on a scenic vista.

The Facility is not located within a scenic vista. As stated above, the Facility is located near the railroad tracks and two major highways in a commercial/residential area.

No Changes will occur in the Facility operations that would affect the surrounding aesthetics. The removal action activities on Parcel O-6 will not be observable from the nearest residential community.

- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.

See response to item a above and the Environmental Setting. Such resources are not located on or near the Facility.

- c. Substantially degrade the existing visual character or quality of the site and its surroundings.

Activities are conducted within the Facility confines. The removal action on Parcel O-6 will remove existing orchards and parking lots. This portion of the Facility will be barren ground temporarily until construction activities start on the proposed police substation.

- d. Create a new source of substantial light of glare that would adversely affect day or nighttime views in the area.

Night time activities will not create a source of substantial light or glare. There will be no night time removal action activities on Parcel O-6, so there will be no added lights.

Specific References (List a, b, c, etc):

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

2. Agricultural Resources

Project activities likely to create an impact.

There are no activities at the existing Facility that would affect adjacent agricultural activities. The removal action on Parcel O-6 will remove approximately 1.5 acres of orchard.

Description of Environmental Setting:

Within the immediate areas of the Facility there are small plots of land (generally less than one to two acres) that are used as orchards or open fields for grasses and row crops. Several of these small plots are also present within the Facility. Approximately 2.5 acres on the proposed police substation area contains apple and walnut orchards.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

No Farmland is on the project site.

- b. Conflict with existing zoning or agriculture use, or Williamson Act contract.

The Facility is not designated by the California Resources Agency as Farmland and is not the subject of a Williamson Act Contract. There are no specific activities that might impact agricultural environment surrounding the Facility.

- c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses.

There are no specific activities that might impact the agricultural environment surrounding the Facility.

Specific References (list a, b, c, etc):

City of San Jose: <http://www.sanjoseca.gov/planning/eir/MND2004.htm>

City of San Jose, Intent to Adopt a Mitigated Negative Declaration, Police Substation, Public Project File No. PPO4-304, November 12, 2004.

Department of Conservation: <http://www.consrv.ca.gov/dlrp/index.htm>

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

<http://www.sanjoseca.gov/planning/eir/MND2004.htm>

Findings of Significance:

- ☐ Potentially Significant Impact
- ☐ Potentially Significant Unless Mitigated
- ☒ Less Than Significant Impact
- ☐ No Impact

3. Air Quality

Project activities likely to create an impact:

Possible emissions or releases of volatile organic compounds from hazardous waste management storage and treatment activities. Possible emissions of dust containing arsenic or asbestos during grading, excavation, stockpiling, and loading activities associated with the removal action on Parcel O-6.

Description of Environmental Setting:

The Hitachi GST Facility is in an area that commonly has smog levels higher than other parts of the Bay Area. The major contributor to these levels is from motor vehicles exhausts which get blown into Santa Clara Valley by coastal winds. The Facility is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD) and has multiple air permits associated with operation of the Facility. Hazardous waste tanks containing organic solvents also have permits to operate from the BAAQMD. Air pollutant emission from hazardous waste equipment that contains or contacts waste with organic concentrations of at least 10 percent is controlled in accordance with the equipment standards and requirements in California Code of Regulations, title 22, sections 66264.1052 through 66264.1065. Air pollutant emissions from containers are controlled using Container Level 1 standards in accordance with California Code of Regulations, title 22, sections 66264.1086. Air pollutant emissions from the following listed tanks are controlled using Tank Level 1 standards in accordance with California Code of Regulations, title 22, sections 66264.1084: Central Tank Farm B T-8, T-9, T-10, T-11, T-12, T-13, T-16, and T-17; waste vault WV-12 T-19; WV-25 T-203; WV-27 T-3; WV-28 T-2; WV-29 T-2; WV-45 T-101; and, WV-67 T-6, T-7, T-8, T-9, T-60, and T-63.

During the Parcel O-6 removal action, air and meteorological monitoring will be performed as follows:

Monitor locations for the fence line PM₁₀ monitors will consist of one location upwind of Parcel O-6 based on the primary wind direction and multiple locations along the fence line in the direction of sensitive off-site locations. The monitors will be real-time PM₁₀ monitors. The on-site meteorological station will be located in an area representative of wind patterns for Parcel O-6 as described in published guidance (BAAQMD 1996 and U.S. EPA 2000). On-site meteorological data collected will include wind speed and direction, temperature, and relative humidity. During excavation, fence line monitoring and meteorological data will be collected on an hourly basis. If during excavation, 8-hour average PM₁₀ levels exceed 87.5 µg/m³ (micrograms per cubic meter) between upwind and downwind monitors, then additional dust control measures will be implemented.

To control fugitive dust during Parcel O-6 construction activities, watering and chemical dust suppressants will be applied. When high wind warnings data is collect by the on-site meteorological station, work will be stopped. Work stoppage will result when wind speed reaches 25 miles per hour. Wind fences may be used as a dust control measure in conjunction with other dust control measures discussed above. The fence reduces the wind speed at a specific location. The fence material with 50% porosity is generally considered optimum for most applications. Low visibility/permeability windscreens will be installed around the perimeters of the excavation areas during the removal activities.

Track out prevention measures will also be employed in conjunction with the above methods. These measures may include installation of one or more of the following: a gravel pad designed using good engineering practices to clean the tires of exiting vehicles; a tire shaker; a wheel wash system; pavement extending for not less than fifty consecutive feet from the intersection with the paved public road; or any other measure as effective as the measures listed previously.

Additionally, any visible track-out on a paved public road at any location where vehicles exit the work site will be removed using wet sweeping or a high efficiency particulate air filter-equipped vacuum device at the end of the work day or at least once per day.

An asbestos dust mitigation plan is required to be developed for Parcel O-6 and submitted to the BAAQMD. The plan provisions must be maintained for the removal activities duration. The asbestos dust mitigation plan will be similar to the general dust control plan detailed above, that is, it will include dust suppression by wetting, high wind warnings, wind fences, and track out). It will additionally include the following: fencing and signs to secure the asbestos removal area, maintaining transport vehicles so that no spillage can occur from holes or other openings in cargo compartments, and stabilizing disturbed surfaces at the completion of the project so that wind speeds of ten miles per hour or greater will not cause visible dust emissions.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Conflict with or obstruct implementation of the applicable air quality plan.

Hazardous waste tanks are permitted as required by BAAQMD regulations and are operated as required by the applicable air permits. Where appropriate, hazardous waste tanks containing solvents are equipped with carbon abatement units. The primary solvent waste streams are Non-Chlorinated Hydrocarbon Solvent Waste and dilute Non-Chlorinated Solvent Waste (Scrubber Waste) which primarily contain, but are not limited to: n-methyl-2-pyrrolidone, propylene glycol methyl ether acetate, and isopropyl alcohol.

Implementing the Parcel O-6 removal action will cause temporary, short-term air quality impacts associated with construction/excavation. During the Parcel O-6 removal action, air and wind monitoring, track out, and on-site dust control measures will be employed as described in the Environmental Setting above. By employing the project controls described in the Environmental Setting above, removal action activities impacts will be reduced to less than significant levels.

- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

With the exception of existing air permits held by the Facility, there are no specific activities that might impact air quality in the area. During the Parcel O-6 removal action, air and wind monitoring, track out, and on-site dust control measures will be employed as described in the Environmental Setting above.

- c. Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

See responses to items a and b above.

- d. Expose sensitive receptors to substantial pollutant concentrations.

The primary waste streams containing volatile components are Non-Chlorinated Hydrocarbon Solvent Waste and dilute Non-Chlorinated Solvent Waste (Scrubber Waste) which primarily contain but are not limited to: n-methyl-2-pyrrolidone, propylene glycol methyl ether acetate, and isopropyl alcohol. Hazardous waste tanks containing volatile components which may adversely impact sensitive receptors are permitted by the Bay Area Air Quality Management District and are operated as required by the applicable air permit. In order to minimize/prevent the release of these materials to the environment, the facility has in place the following controls:

- Performance of regular container, tank, and pipeline inspections;
- Leak detection monitoring and detection devices, including high level alarms;
- Coated secondary containment vaults (all hazardous waste tanks at the Facility have secondary containment);
- Pipe-pipe containment;
- 24-hour-a-day monitoring;
- Daily logs documenting findings and corrective action taken;
- 24-hour trained emergency response trained team;
- Compliance with NPDES and POTW permit requirements

Please also refer to the response in item a. and the Environmental Setting. During the Parcel O-6 removal action, monitoring and dust suppression and track out measures will be employed as appropriate to prevent the release of materials to sensitive receptors.

e. Create objectionable odors affecting a substantial number of people.

See the response to item d above. Engineering controls reduce and prevent the release of materials to the environment.

f. Result in human exposure to Naturally Occurring Asbestos (see also Geology and Soils, f.).

In order to reduce potential human exposure to asbestos all excavation and grading activities associated with the removal action on Parcel O-6 will be conducted in accordance with the California Air Resources Board's Asbestos Airborne Toxic Control Measure (ATCM). An Asbestos Dust Mitigation Plan approved by the BAAQMD will be used. The following measures will be part of the Asbestos Dust Mitigation Plan. In addition, refer to the Environmental Setting above for additional on-site controls for dust, track out, and air monitoring.

- Secure the asbestos removal areas (e.g., signs and fences);
- Apply sufficient water before and during excavation to prevent dust generation, but not have runoff;
- Limit on-site vehicle speeds to 15 miles per hour, or less;
- Suspend removal activities when wind speeds are greater than 25 miles per hour;
- Keep stockpiles wetted, treated with dust suppressant, or covered at all times, except when active;
- Wash down and decontaminate equipment and truck tires before leaving the site;
- Cleanup any accidental vehicle track-out within 24 hours using a HEPA filter equipped vacuum device;
- Maintain transport vehicles such that no spillage can occur from holes or other openings in the cargo compartment;
- Upon completion of the project, stabilize disturbed surfaces so that wind speeds of 10 mile per hour will not cause visible dust emissions

Worker protection is governed by Cal-OSHA's statutes and regulations. Under the health and safety plan to be developed, potential worker exposures to dust, arsenic, and asbestos will be evaluated. If potential exposures are expected to be near Cal-OSHA permissible exposure limits (PELs), then a worker monitoring plan will be developed. For total dust and respirable dust, the current Cal-OSHA 8-hour time-weighted average (TWA) PELs are 10 mg/m³ and 5 mg/m³, respectively. The Cal-OSHA 8-hour TWA PEL for arsenic is 0.2 mg/m³. For asbestos, the Cal-OSHA 8-hour TWA PEL is 0.1 fibers per cubic centimeter of air (fibers/cm³). If worker exposure monitoring will be performed, the Recommended Action Level for worker exposure to the constituents of concern (dust, arsenic, and asbestos) will be based on one-half of the Cal-OSHA TWA PEL.

Specific References (list a, b, c, etc):

Bay Area Air Quality Management District (BAAQMD), "Meteorological Monitoring Guidance," Manual of Procedures, Volume IV, Appendix A, May 8, 1996.

City of San Jose, Southside Police Substation Initial Study, November 2004.

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

U. S. Environmental Protection Agency (USEPA), Meteorological Monitoring Guidance for Regulatory Modeling Applications, EPA-454/R-99-005, February 2000.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

4. Biological Resources

Project activities likely to create an impact:

Potential releases from facility operations or accidents.

Grading and excavation during removal action on Parcel O-6: If burrowing owls are present on-site at the time of construction, construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a “taking” by the California Department of Fish and Game (CDFG). The destruction of occupied burrowing owl burrows is also considered a taking. Any loss of burrowing owls or fertile eggs, any activities resulting in nest abandonment, or the destruction of occupied burrowing owl burrows would constitute a significant impact.

Description of Environmental Setting:

The Congdon's Tarplant (*Centromadra parryi congdonii*) has been identified within 1 mile of the Facility. The Department of Fish and Game Natural Diversity Data Base (Rarefind) San Jose West quadrant November 15, 2004 and San Jose East November 18, 2004 reports were reviewed and did not reveal any significant habitat communities within the immediate Facility. Although not sighted at the Facility according to Rarefind reports, it is possible that some California Species of Concern may inhabit trees or forage in the area. Within the San Jose West quadrant, the following Species of Concern may be found:

Burrowing owl (*Athene cunicularia*): Burrow sites are open, dry annual or perennial grasslands, deserts and scrubland characterized by low-growing vegetation. This bird is a subterranean nester, dependent upon burrowing mammals, most notably the California ground squirrel. During reconnaissance-level (preliminary surveys to determine if further surveys, such as protocol-level surveys are necessary) on April 28, 2004, no burrowing owls were observed on the parcel O-6 site, and there are no actual records of breeding owls in the immediate area. Burrowing owls were not observed during previous reconnaissance-level surveys in January 2004. However, records occur for this species within several miles of the site, and California ground squirrels occur on-site and inhabit nearby open fields. Because recent records of burrowing owls occur near this area, and marginal habitat occurs on the site, this species could breed in the ground squirrel burrows found in this habitat. Surveys were carried out by the H.T. Harvey & Associates, 2004 for the City of San Jose as reflected in the Southside Police Substation Project Initial Study, November 2004. Project controls to be implemented during the Parcel O-6 removal action are detailed in the analysis section below.

Cooper's hawk (*Accipiter cooperii*): Nest sites are generally in open woodlands or interrupted, marginal types; mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood plains, also in live oaks.

Raptors, that is, eagles, hawks, and owls, and their nests are protected under both federal and state laws and regulations. The Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C. Section 703, Supplement I, 1989) prohibits killing, possessing, or trading in any migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Raptors are also protected in California under Fish and Game Code section 3503.5, Section 3503.5, which states that anytime in the year it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Several bird species, including special-status species, such as the White-tailed Kite and Loggerhead shrike have been observed locally and may breed near the site. Project controls to be implemented during the Parcel O-6 removal action are detailed in the analysis section below.

Vegetation communities surrounding the Facility are comprised of an urban vegetation community. Urban vegetation primarily consists of non-native vegetation used for landscaped lawns and gardens, hedges, and shade trees. Coast redwood trees and American ash trees are located on-site. Urban vegetation within the immediate vicinity of the proposed project Facility can be expected to be used by several species of common passerine (songbird) bird species as foraging, roosting, and escape cover habitat. Moreover, it is anticipated that some of the more human-tolerant species could potentially nest in this vegetation.

Common passerine (songbird) bird species, waterfowl (Canadian goose) and common rodents inhabit the areas surrounding the facility.

Most of the parcel O-6 site is paved, including the large parking area, the eastern terminus of Tuscan Way, and the northern terminus of Manassas Road. Mature shade trees, predominantly Chinese Pistachio and American ash trees are scattered throughout the parking lot. Developed areas are otherwise unvegetated. Most areas offer little habitat for wildlife. Species that do occur require non-developed habitats. The developed site areas provide limited potential foraging areas, except to the morning dove, house finch, and European starling that may visit these areas. California ground squirrels and Botta's pocket gophers were observed in small densities in areas immediately adjacent to parking lots.

Narrow strips of landscape vegetation consist of mature deodar cedar, coast redwood, and ash trees on the northern and eastern site boundaries. Landscaped areas also separate the parking lots from orchards to the north and east and include ornamental shrubs and common groundcover plants.

Apple and walnut orchards occur in the northeastern and northwestern corners of the project site. All trees were planted in the last 20 years and are less than ordinance size. These orchard areas are disked for weed control and are bare of understory vegetation at the time of surveys. These small orchards provide limited habitat for the species mentioned in the landscaped areas. Forty-eight ordinance-sized trees were located on the project site during the Parcel O-6 survey performed for the City of San Jose in 2004. Construction related to the Parcel O-6 removal action could impact ordinance-sized trees. Project controls are provided in the analysis section below.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The Facility is located in an urban environment and no changes to existing Facility operations are planned which would adversely impact existing species habitat. The project site provides limited habitat value due to its developed, urban landscape.

The removal action on Parcel O-6 will be managed according to the following project controls that have been incorporated into the project. These project controls will be implemented during the Parcel O-6 removal action in order to reduce impacts to the burrowing owl, nesting raptors, Loggerhead Shrikes, and ordinance-sized trees to less than significant levels. These measures are extracted from the Police Station Initial Study for Parcel O-6.

Burrowing Owl:

- In conformance with federal and State regulations protecting raptors against direct "take," pre-construction surveys for burrowing owls will be conducted by a qualified ornithologist prior to any soil-altering activity or development occurring within the project area. The preconstruction surveys shall be conducted per CDFG guidelines (currently no more than 30 days prior to the start of site grading), regardless of the time of year in which grading occurs. If no burrowing owls are found, then no further mitigation would be warranted.
- If preconstruction surveys determine that burrowing owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow must be established as determined by the ornithologist in consultation with CDFG. No activities, including grading or other construction work or evictions of owls, shall proceed that may disturb breeding owls. Construction can resume once owls have fledged.
- If preconstruction surveys determine that burrowing owls occupy the site, and avoiding development of occupied areas is not feasible based on determination of the lead agency, then the owls may be evicted if pre-authorized by the CDFG. CDFG typically allows eviction of owls only during the nonbreeding season (September 1- January 31).

Nesting Raptors and Loggerhead Shrikes:

- Construction should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including raptors and shrikes, in the South San Francisco Bay area extends from January through August.
- If site clearing, demolition, and construction do not commence between September 1 and December 31, then pre-construction surveys, for nesting birds shall be conducted by a qualified ornithologist to ensure that no nest will be

disturbed during project implementation. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees and other habitats (e.g., grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that no nests of species protected by the MBTA or State code will be disturbed during project implementation.

- If vegetation is to be removed by the project and all necessary approvals have been obtained, suitable nesting substrate (that is, bushes, trees, grass, burrows) that will be removed by the project shall be removed before the start of the nesting season (February) to help preclude nesting. Removal of vegetation or structures slated for removal by the project shall be completed outside of the nesting season, which extends from January through August.

Trees: The following measures will be included in the project plan in order to reduce impacts to less than significant levels.

- The City of San Jose requires that a tree removal permit be obtained for the removal of trees of any size for commercial or industrial properties.
- For removal of trees 56 inches in circumference or more, a public hearing is required. It is not anticipated that trees of this size will require removal under this project.
- Ordinance sized trees, 56-inch in circumference or 18-inch in diameter, to be removed as part of the project will be replaced with 24-inch box native species at a ratio of four to one (4 replacement:1 removed). Non ordinance-sized trees 12-inch in diameter or greater will be replaced at a ratio of two to one with 24-inch box native species and trees less than 12-inch in diameter will be replaced at a ratio of one to one with 15 gallon native species. Orchard-type trees (fruit and nut trees) are not included in this requirement. This activity will be coordinated by the City of San Jose.
- To the extent possible, healthy and mature trees will be incorporated into the project landscaping design for the police station. Where feasible, ordinance sized trees will be removed, boxed, and replanted on site as part of the project landscaping for the police station. This activity will be coordinated by the City of San Jose.
- Pre-construction treatments:
 1. Hitachi shall retain a consultant arborist. The arborist shall document the removal of trees for replacement by the City of San Jose as detailed above. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
 2. Fence all trees to be retained to completely enclose the tree protection zone prior to demolition, grubbing or grading. Fences shall be 6 feet chain link or equivalent as approved by construction arborist. Fences are to remain until all grading and construction is completed.
 3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
- Recommendations for tree protection during construction:
 1. No grading, construction, demolition or other work shall occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist.
 2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by the consulting arborist.
 3. Supplemental irrigation shall be applied as determined by the consulting arborist.

4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.

5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone.

6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an arborist and not by construction personnel.

7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings, and pavements, on expansive soils near trees shall be designed to withstand differential displacement.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The Facility is not located on or adjacent to a wetland, riparian woodland, or other such protected habitat. Project controls will be employed as discussed in item a. to reduce impacts to less than significant levels.

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

See response to item b above. The Facility is not located within a protected habitat. There are no wetland areas surrounding or near the Facility.

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Project controls will be implemented during the Parcel O-6 removal action to reduce impacts to less than significant levels as discussed in item a. The removal action on Parcel O-6 will be on managed orchard areas and parking lots.

- e. Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Trees with a trunk diameter less than 18 inches located in the vicinity of arsenic contaminated soil on Parcel O-6 will be removed. Removal of trees with a trunk diameter greater than 18 inches is not anticipated; however if removal becomes necessary, measures will be implemented during the removal action as described in the project controls listed in item a. Removal of trees on Parcel O-6 will be conducted in accordance with a Tree Removal Permit from the City of San Jose. In addition, refer to the response to item a. above. Project controls will be implemented to reduce impacts to less than significant levels.

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

There are no specific, ongoing facility activities that might impact the biological resources of the area. Local plants and animals will not be disturbed as the result of Facility operations. Refer to the response to item a. Appropriate surveys will be completed to ensure that sensitive species are not impacted during Parcel O-6 removal action work. The removal action on Parcel O-6 will be on managed orchard areas and parking lots.

Specific References (list a, b, c, etc):

California Department of Fish and Game Natural Diversity Data Base (Rarefind) San Jose West quadrant November 15, 2004 and San Jose East quadrant November 18, 2004.

City of San Jose, Intent to Adopt a Mitigated Negative Declaration, Police Substation, Public Project File No. PPO4-304, November 12, 2004.

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

5. Cultural Resources

Project activities likely to create an impact:

Grading and shallow excavations during the removal action on Parcel O-6.

Description of Environmental Setting:

Building 025 has been identified as having historical significance. This building was constructed as part of the IBM campus in 1957 and is where original disc research was performed. Building 025 is also notable for its unique architecture. It is discussed in great detail in the Lowe's Home Improvement Warehouse, Cottle Road South San Jose Environmental Impact Report, August 2003. The building may be demolished under that project.

The Facility is located on Cottle Road in the southern portion of the City of San Jose. San Jose contains a variety of cultural resources including historic landmarks and archeological resources that are considered significant to the United States, California, or the San Jose community.

The Joice House is the closest cultural resource located in the vicinity of the project Facility. The Joice House is located approximately two blocks south of Highway 85 at 515 Cottle Street, which is roughly 10 miles distance from the project site. Activities at the project Facility are not expected to have any impacts to the Joice House.

As part of the Initial Study for the City of San Jose's police station project, a historic and prehistoric site records search was completed. This search revealed no prehistoric or historic era archaeological site recorded in or adjacent to the Parcel O-6 site. No structures were located on the site. The site is covered mostly with paves surfaces and small orchard-type trees. The site is considered to have minimal potential for prehistoric archaeological resources or archaeological deposits and is not considered a high sensitivity area by the City of San Jose.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5.

No known historic resources exist at the Facility. The removal action on Parcel O-6 involves grading and shallow excavation. In the event such resources are located, the Hitachi GST will cease activities which could affect the resources until a qualified archaeologist can conduct a survey on the subject property and make recommendations to Hitachi GST concerning appropriate action. Hitachi GST will be responsible for all necessary notifications to the County Planning Office and/or other notifications required by such discoveries. The following project measures will be implemented as necessary and will reduce project impacts for the Parcel O-6 removal action to less than significant levels.

- In the event that either prehistoric or historic archaeological materials are exposed or discovered during site preparation or subsurface construction, operations within a 25-foot radius of the find shall be halted until the find can be inspected by a qualified professional archaeologist. If the archaeologist concludes that the find may be of significance, a plan for evaluating the significance of the resource and recommending appropriate mitigation under the current CEQA Guidelines shall be prepared by the archaeologist and submitted to the Director Planning, Building and Code Enforcement.

- In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-enter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the Environmental Principal Planner of the City of San Jose Department of Planning, Building and Code Enforcement and Director of Public Works. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Environmental Principal Planner of the Department of Planning, Building and Code Enforcement.

Routine facility operations will not affect the Joice House. The Facility has an emergency contingency plan on file with the Governor's Office of Emergency Services, the San Jose Fire Department (HAZMAT Team), local hospitals, City of San Jose Office of Emergency Services, Santa Clara County Department of Emergency Services, San Jose Police Department, and the City of San Jose Bureau of Fire Prevention.

- b. Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5.

Refer to the response to item a. The removal activities planned for Parcel O-6 are not anticipated to affect historical or archaeological resources, as none are expected to occur on this parcel. In the event resources are encountered, the City of San Jose's protocols for notification to the corner and documentation will be followed as described above.

- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Please see the response to item b above.

- d. Disturb any human remains, including those interred outside of formal cemeteries.

No human remains have been identified during previous development of the Facility site and none are known or suspected to be located on the Facility site. However, in the event such discoveries are made, appropriate steps will be taken as described in the response to item b above.

Specific References (list a, b, c, etc):

City of San Jose, Draft Environmental Impact Report Lowe's Home Improvement Warehouse, Cottle Road, South San Jose Planned Development Rezoning, August 6, 2003.

City of San Jose, Intent to Adopt a Mitigated Negative Declaration, Police Substation, Public Project File No. PPO4-304, November 12, 2004.

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

6. Geology and Soils

Project activities likely to create an impact:

The failures of any of the storage containers or tanks or pipelines which transfer Facility materials have the potential to impact the geology or soils in the area.

Excavation and backfilling activities associated with the Parcel O-6 removal action will create temporary soils disturbances.

Description of Environmental Setting:

The Hitachi GST Facility is located in a north-trending structural depression in the California Coast Ranges geomorphic province. The depression is the result of down-warping and block faulting between the Hayward and Calaveras fault zones and the San Andreas Fault zone. The Facility is in the Santa Teresa Basin, an alluvium-filled valley that extends from the Coyote Narrows on the southeast to Edenvale Gap on the northwest and is bounded on the north by Edenvale Ridge and on the south by the Santa Teresa Hills. The Santa Teresa Basin is filled with up to 400 feet of Quaternary alluvium consisting of unconsolidated clays, silts, sands, and gravels.

There are no specific, on-going facility activities that might impact the geology or soils of the area. The removal action on Parcel O-6 will remove approximately 3,000 cubic yards of soil contaminated with arsenic and 2,500 cubic yards of fill material containing asbestos. The soil excavations will be shallow; only three areas in the orchard may have excavations deeper than three feet deep. At the conclusion of confirmation sampling, any excavations deeper than three feet will be graded to re-contour the area so that no remaining excavation area is deeper than three feet. Temporary stockpiles created during the removal action will not be higher than six feet. The removal action site will be secured with fences to prevent unauthorized access to excavations and stockpiles.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Refer to Division of Mines and Geology Special Publication 42).
 - Strong seismic ground shaking.
 - Seismic-related ground failure, including liquefaction.

There are no activities or operations planned for the site which would expose people or structures to adverse seismic effects.

- Landslides.

As stated above, the failure of any of the storage containers or tanks or lines which transfer the material has the potential to impact the geology or soils in the area. There are sufficient engineering controls to prevent a release to the geology or soils in the area. Engineering controls include, but are not limited to, leak detection monitoring, high level alarms, coated secondary containment vaults, and daily visual inspections. All pipelines are secured by secondary containment in the form of pipe-in-pipe construction. Please refer to the Facility Operations description in this document for a more detailed description.

Hitachi GST's Operation Plan includes a report, "Geotechnical and Structural Engineering Analysis, RCRA Permitted Facilities," dated March 18, 2004, and prepared by C+D Consulting Civil and Structural Engineers and Ninyo & Moore. DTSC's accepted this report finding that the Facility's buildings and tanks comply with regulatory requirements for seismic controls and secondary containment.

On September 24, 2002, Kennedy Jenks Consultants reviewed piping and tank flanges, valves, gaskets, fittings, and associated design requirements. Their registered engineer certified that the equipment conforms to the American Society of Mechanical Engineers Code for Pressure Piping and California Code of Regulations, title 22 requirements. The equipment was also found to be in conformance with City of San Jose requirements.

- b. Result in substantial soil erosion or the loss of topsoil.

There are no existing or planned activities in the Facility Operation Plan which would result in substantial soil erosion or loss of topsoil.

Parcel O-6 removal action activities will create short-term, temporary earth disturbances. After the removal action is complete, the City of San Jose will back fill the excavations according to their redevelopment and construction plans. Hitachi will re-grade any localized excavations deeper than 3 feet to create a smooth contour. The excavated areas will be compacted and hydroseeded for erosion and dust control during the period until the City of San Jose starts construction activities.

- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

There are no existing or planned activities which would result in substantial off-site geologic impacts, including landslide, lateral spreading, subsidence, liquefaction or collapse.

- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

There are no existing or planned activities which would result in the creation of substantial risk to life or property as a result of expansive soils.

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of water.

The Facility has no septic tanks and is provided with waste water sewer service provided by the San Jose/Santa Clara Waste Water Treatment Plant.

- f. Be located in an area containing naturally occurring asbestos (see also Air Quality, f.).

Naturally occurring asbestos in fill material underlying the parking lot on Parcel O-6 will be removed as described in the Removal Action Workplan for Parcel O-6. Approximately 2,500 cubic yards of fill material from an approximately 3 acre area will be removed for disposal at an authorized facility. The limits of the excavation were determined by the boundaries of the parking lot and the location of samples of the fill material where the amount of asbestos was less than 0.25 percent. Potential impacts associated with airborne fibers of asbestos are discussed above in Section 3, Air Quality.

Specific References (list a, b, c, etc):

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

7. Hazards and Hazardous Materials

Project activities likely to create an impact:

The failure of any of the storage containers or tanks or lines which transfer hazardous waste have the potential to impact the geology or soils in the area;

Transport of hazardous materials in and out of the facility; and

Accidental release of a hazardous material.

Description of Environmental Setting:

Releases associated with prior operations of the Facility have been identified and are currently being remediated and monitored under regulatory oversight from the Regional Water Quality Control Board. Engineering controls have been implemented to prevent future releases. No changes to existing operations will take place that would create a significant hazard to the public or the environment.

The hazardous waste and materials handled at the Facility include storage and use of various solvents, acids, bases, rinse and industrial waste water, and non-chlorinated hydrocarbons in containers and storage tanks in multiple locations throughout the Facility.

Most hazardous waste at the Facility is handled in bulk storage containers or tanks. Tanks are used due to the waste volume generated and because worker exposure to materials is minimized. Bulk wastes are collected from manufacturing process operations. Some wastes are collected in 55-gallon drums and smaller containers, based upon the waste volume generated, waste generation process location in relation to bulk chemical waste drain systems, and waste type generated, for example, solid or liquid. Bulk waste waters are processed on-site at the IWWTF in Buildings 110 A and D. These waste waters require treatment by simple neutralization, metals removal, or biological degradation of organic compounds. Once treated, these wastes are discharged under permit to the City sewer system as described previously. The remaining bulk wastes are primarily solvents. These wastes are collected in tanks and are directly off-loaded into tanker trucks. To the extent possible, these wastes are collected for shipment to off-site reclamation vendors. These wastes are collected in drums and other smaller containers from generating departments at the Facility and are stored in the Building 042 flammables storage area. These wastes are either shipped for processing in the drums in which the waste was collected, bulked into larger containers, or are pumped into tank trucks for recycle or treatment by off-site vendors. Similar to solvent waste management, non-solvent wastes are also stored in appropriate Building 042 areas and shipped for processing in the containers in which the waste was collected or bulked into larger containers for off-site recycle or treatment.

Spill containment for Building 042/042A is provided by two separate waste vaults: WV-27 and WV-28. Spills are drained from the Building 042/042A waste storage areas to spill tanks in WV-27 or WV-28 depending on the hazard class and storage area location. All three tanks are tank-in tank systems and have a capacity of 1,000 gallons each. The Hazardous waste storage areas connected to these tanks have an aggregate storage capacity of 10,000 gallons each. This is based on the requirement to provide containment for 10 percent of the volume of the containers in each storage area. WV-28 contains two spill collection tanks which are both tank-in tank. One spill tank has a 2,000 gallon capacity and the other tank has a 1,000 gallon capacity. Pipelines are secured by a pipe-in-pipe construction. Accumulated spilled liquids are stored in holding tanks or vaults while sampled and pending analysis. Tanks are monitored and spilled liquids removed from the containment areas as necessary to prevent overflow.

The spill containment tanks are shared by storage rooms in each building that contain wastes with similar properties. Building 042 Annex adjoins Building 042, but it not a part of the Permitted Unit. Building 042A is a tenant's (IBM Corporation) space that is used for less than 90 day accumulation of hazardous wastes generated in the leased Facility portions. Hitachi GST and the tenant are each responsible for cleanup of spills originating in their respective buildings. However, if the tenant fails to cleanup spills to the shared spill containment tanks or waste vaults, Hitachi GST is responsible for the cleanup.

Ignitable and reactive wastes are segregated into separate storage bays within Building 042A. The closest these bays are to an adjacent building is greater than 50 feet. The distance from the base storage bay to the nearest wall to Building 042 is approximately 65 feet. Incompatible waste storage is precluded by the waste storage bays' divider walls and independent spill storage systems. This prevents the wastes from commingling. Floors are reinforced concrete with room

and bay divider walls of concrete block masonry. The floors and curbs are epoxy-urethane or vinyl ester coated. All containers are transported in a closed and/or sealed condition. Containers are only opened to inspect or sample or for consolidation/blending purposes. Containers are tracked as they move through the Facility to ensure compliance with regulatory waste holding times for hazardous wastes.

Domestic water supplies are protected from waste contamination by back flow prevention devices or by air gaps. Cross connections from domestic water lines that enter the waste storage areas are used primarily for eyewash, safety showers, and hose bibs and do not pose a potential safety hazard for back siphonage into domestic waterlines due to the built in air gap as part of their construction. Hose bibs are equipped with backflow prevention devices. Listed below are the control devices on various waste vaults or located within various facility areas:

Waste vault 12: Backflow prevention devices, reduced pressure device connected to a level control water line- two pressure vacuum breaker devices connected to the incoming domestic water lines;

Waste vault 25: Two reduced pressure devices, each device is located at the entrance to the domestic water line into the two vault sections- no other water lines enter the vault;

Waste Vault 26: Five double-check valve devices are installed on the five water lines connected to the one domestic line entering the vault- the devices are located in several vault areas;

Waste vault 67: Vault contains cross connections from domestic water lines- these are protected by reduced pressure devices at all sources posing a potential for back siphonage into the domestic water supply;

Central Tank Farm B: Waste storage is protected by a reduced pressure device located at the domestic water line main entrance to the vault; and

Building 042: The waste annex at Building 042 has a reduced pressure device installed at the domestic water line entrance to the building.

The Security Control Center is manned 24 hours a day and maintains contact with field security officers. Facility entry is controlled to prevent unauthorized entry. The Facility is patrolled 24 hours a day. The entire Facility perimeter is surrounded by a fence. The Facility also maintains an emergency Contingency Plan. This plan describes the actions to be taken by the Facility in response to fires, explosions, or other significant releases of hazardous waste to air, soil or surface water. The plan is designed to minimize hazards to human health or the environment resulting from a hazardous waste incident. This plan also applies to leased (tenant-occupied) facility areas. In the event the tenant does immediately respond to an incident, Hitachi, GST, will immediately take action. Contingency Plan copies are maintained at the facility and are submitted to local police departments, fire departments, hospitals, state and local emergency response teams that may be called upon to provide emergency services. In addition, the City of San Jose Police Department and Fire Department conduct familiarization tours on a periodic basis.

In compliance with the San Jose City Hazardous Materials Storage Permit Ordinance (Title 17, San Jose Municipal Code, Chapter 17.68), the Facility maintains Hazardous Materials Storage Permits. Permits are issued by the City of San Jose for each building where hazardous materials and/or wastes are stored. The waste vault connected to a building is included in the permit for that building.

Wastes are shipped in accordance with Title 49 Code of Federal Regulations and Title 22, California Code of Regulations. A computerized waste tracking system maintains records of all hazardous waste shipments. Waste shipments are tracked with a corresponding manifest by date to ensure compliance with transportation regulations.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Create a significant hazard to the public or the environment throughout the routine transport, use or disposal of hazardous materials.

As stated above, the failure of any of the storage containers or tanks or lines which transfer the material has the potential to impact the soils in the area. Engineering controls are sufficient to prevent a release to soils in the area. Engineering controls include but are not limited to leak detection monitoring, high level alarms, coated secondary containment vaults, and daily visual inspections as described in the Environmental Setting above.

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The Facility has in place a Contingency Plan that includes appropriate chain-of-command and notification procedures to the Governor's Office of Emergency Services and local emergency response agencies. There have been no recent significant releases from the Facility which have had an adverse impact on the environment. As stated above, buildings, tanks, piping, valves, and associated features have been reviewed and certified by registered engineers to comply with California Code of Regulations, title 22 requirements for seismic safety and air emissions controls as applicable. With secondary containment provided for tanks, piping, and containers, incidents that may occur would be controlled. Incident command procedures for emergencies provide that incidents would be handled expediently.

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

Please refer to the Environmental Setting and the response in item b. above. Facility inspections occur daily in facility areas where hazardous materials and wastes are handled. No emissions from the Facility are expected to have adverse impacts on existing or proposed schools. The school nearest the Facility at 0.9 miles away, is Alex Anderson Elementary School, which is located at 5800 Calpine Drive. Other schools located in the surrounding vicinity include: Edenvale School - 285 Azucar Avenue, Santa Teresa School - 6200 Encinal Drive, and Familiar Footsteps Pre School - 121 Avenida Grande.

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to public or the environment.

Although the site is listed pursuant to Government Code 65962.5, the activities authorized by this permit renewal are no different from those previously permitted at the site which did not create any significant hazard.

- e. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Facility operations are not expected to interfere with any emergency response plan or emergency evacuation plan.

Specific References (list a, b, c, etc):

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

8. Hydrology and Water Quality

Project activities likely to create an impact:

The failure of any of the storage containers or tanks or lines which transfer the material have the potential to impact the geology or soils in the area; and

Accidental release of a hazardous material.

Description of Environmental Setting:

In the vicinity of the Facility, several aquifer zones separated by less permeable aquitards have been identified. Groundwater in the Basin provides the primary water supply for domestic, industrial, and municipal uses in the area. At the end of 2001, groundwater was encountered at depths ranging from 14 to 45 feet below ground surface, with the shallowest water table occurring in the A-aquifer zone. The A-aquifer zone is unconfined, and the B-, C-, D-, and deeper aquifer zones are generally confined or semiconfined. Although the groundwater flow direction in the A-aquifer zone varies because of localized hydrogeologic conditions, the direction of groundwater flow in the aquifer zones at and near the Hitachi GST Facility is primarily toward the west-northwest. Since IBM's groundwater protection plan began in 1978, several chemicals, primarily volatile organic compounds (VOCs), have been identified in the groundwater. Investigations conducted in the early 1980s identified elevated concentrations of chemicals in several locations throughout the Facility. These chemicals are being remediated under Final Site Clean-Up Requirements being completed at the direction of the Regional Water Quality Control Board. There are no specific activities that might impact the geology or soils of the area.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Violate any water quality standards or waste discharge requirements.

Facility activities are not expected to result in the violation of any water quality standards or waste discharge requirements because of the extensive and continuing water quality monitoring program which has been on-going since 1988.

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficient in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Facility activities are not expected to result in the depletion of groundwater supplies or interfere substantially with groundwater recharge. Groundwater extracted as part of the existing groundwater cleanup program is re-injected into the aquifer system or reused at the Facility. These activities are monitored by the Regional Water Quality Control Board and the Santa Clara Valley Water District.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.

Facility activities are not expected to result in the alteration of the Facility or area drainage pattern as no new construction activities are authorized by the permit.

For the Parcel O-6 remediation, the City of San Jose will need to issue a grading permit, which ensures proper drainage on the site for the remediation. To ensure that grading operations do not impact the local creeks and storm drainage systems during the winter months, any grading occurring between October 15 and April 15 requires an approved Erosion Control Plan.

Because the removal actions will disturb more than one acre of soil, Hitachi must obtain a General Permit for Discharges of Storm Water Associated with Construction Activity from the State Water Resources Control Board (SWRCB). Before construction activity can commence, Hitachi must send a completed Notice of Intent and a Storm Water Pollution Prevention Plan for the project site to the SWRCB.

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site.

Facility activities are not expected to result in the alteration of the Facility or area drainage pattern.

Please refer to the response to item c.: For Activities relating to Parcel O-6, a grading permit and a General Permit for Discharges of Storm Water Associated with Construction Activity from the SWRCB permit will be required. A storm water pollution prevention plan is also required.

- e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Storm water is discharged via the City of San Jose storm water collection system. Facility activities are not expected to result in the creation of runoff which would adversely impact the existing or planned storm water runoff capacity or add sources of polluted runoff. Stormwater is treated prior to discharge. Please refer to the detailed discussion under Section 16, Utilities and Service Systems.

Please refer to the response to item c.: For Activities relating to Parcel O-6, a grading permit and a General Permit for Discharges of Storm Water Associated with Construction Activity from the SWRCB permit will be required. A storm water pollution prevention plan is also required.

f. Otherwise substantially degrade water quality.

Facility activities are not expected to result in the degradation of water quality.

Please refer to the response to item c.: For Activities relating to Parcel O-6, a grading permit and a General Permit for Discharges of Storm Water Associated with Construction Activity from the SWRCB permit will be required. A storm water pollution prevention plan is also required.

g. Place within a 100-year flood hazard area structures which would impede or redirect flood flows.

Facility activities are not expected to result in impacts to potential flows of flood waters as no new structures are authorized by the Permit. The Facility is not within a 100-year flood hazard area.

h. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Facility activities are not expected to result in the additional exposure of people or structures to flooding.

i. Inundation by sieche, tsunami or mudflow.

Facility activities are not expected to result in the inundation of the Facility. There are no surface water bodies or soils in the vicinity of the Facility that could generate such problems.

Specific References (list a, b, c, etc):

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

9. Land Use and Planning

Project activities likely to create an impact:

- After the successful completion of the removal action on Parcel O-6, DTSC plans to make a determination that Corrective Action is Complete Without Controls for Parcel O-6. This determination will release this portion of the Facility property from corrective action liability and facilitate transfer of this property to the City of San Jose for development of a police substation.

Description of Environmental Setting:

On November 12, 2004, the City of San Jose recently issued a Mitigated Negative Declaration for the proposed police station. The project mitigations are related to construction activities that will result from development. This document can be located on the City of San Jose's web site and is titled "Intent to Adopt a Mitigated Negative Declaration, Police Substation number PPO4-304." Also, on August 5, 2004, the City of San Jose issued a Notice of Preparation announcing the Draft EIR for proposed land use changes for the Hitachi GST campus. Among the proposed changes included are:

change from Industrial Park to Mixed Use with No Underlying Land Use Designation and update the General Plan's Mixed Use Inventory via a text amendment; Rezone the site from Industrial Park to Planned Development; and establish a development agreement between Hitachi GST to provide objectives and guidelines for the development of the site. The City of San Jose will prepare a Draft EIR that will evaluate the environmental impacts of the proposed projects. The Draft EIR is anticipated for release in 2005

Residential communities with intermixed commercial areas characterize the area surrounding the Hitachi GST Facility. The surrounding area is zoned for both residential and commercial/industrial development. There are several small retail shopping malls as well as smaller retail/restaurant developments in the vicinity of the Facility. One fuel service station is also in the immediate vicinity of the Facility. Highway 85 and the County light rail system are located immediately south of the Facility, and Highway 101 is just north of the Facility. Currently, the Facility is zoned commercial/light industrial.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

The area is zoned commercial/light industrial. This project will remove a barrier to growth by issuing a Corrective Action Complete determination for Parcel 0-6. The existence of Corrective Action on a parcel prevents land transfer and property development, and it does present an obstacle to growth. However, Corrective Action Complete determination under this project is not growth inducing. No essential resources previously missing from the area would be provided as part of the project. This project does not provide or extend infrastructure, such as sewer or roadways to a previously undeveloped area, or amenities.

- b. Conflict with any applicable habitat conservation plan or natural community conservation plan.

There are no habitat areas within the Facility confines. Facility activities are not expected to conflict with applicable habitat or natural community conservation plans.

Specific References (list a, b, c, etc):

City of San Jose: <http://www.sanjoseca.gov/planning/eir/MND2004.htm>

City of San Jose, Intent to Adopt a Mitigated Negative Declaration, Police Substation, Public Project File No. PPO4-304, November 12, 2004.

City of San Jose, Notice of Public Scoping Meeting for the Hitachi Environmental Impact Report, July 16, 2004.

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

10. Mineral Resources

Project activities likely to create an impact.

None.

Description of Environmental Setting:

The Facility is within the central portion of the Santa Teresa Groundwater Basin, an alluvium-filled bedrock basin. In the Facility vicinity the alluvium is a minimum of 130 feet below ground surface. Mineral deposits are most commonly associated with rock and the weathering of the rock features which does not occur within the immediate Facility area. In the Bay area, the only areas that historically produced an economically viable source of minerals were the New Idra Mine in the Diablo Range and the New Almaden Mine in the Coastal Hills of San Jose approximately 10 to 15 miles northeast of the Facility.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

There are no activities that would impact the project nor are there any specific activities that might impact mineral resources in the vicinity of the Facility.

- b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Facility activities are not expected to result in the loss of availability of mineral resources in the area.

Specific References (list a, b, c, etc):

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

11. Noise

Project activities likely to create an impact:

None.

Description of Environmental Setting:

Noise levels in the area surrounding the project are those common to an urban community (i.e. vehicle traffic). Three major thoroughfares are located adjacent to the Hitachi GST Facility; Highway 85 is to the south of the Facility and Monterey Highway and Highway 101 are located just north of the Facility. In addition, the County light rail system is located immediately south of the Facility. The Facility also experiences noise from the Union Pacific Railroad line that passes along the northern site boundary. Passing trains may generate noise levels from 70 to 75 decibels. Otherwise, noise levels average 60 decibels.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The primary activities that impact the noise level of this area are vehicular traffic. The Facility is bounded on the south by Highway 85 and to the north by Highway 101. Additional existing sources of noise are the light rail system which is located in the center of Highway 85 and the Union Pacific Railroad tracks immediately adjacent to the north of the Facility.

There are no specific manufacturing, development, or maintenance activities that significantly add to the noise levels in the area.

- b. Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels.

Facility activities are not expected to result in excessive ground vibrations or ground noise levels.

- c. A substantial permanent increase in ambient noise levels in the vicinity above levels existing without the project.

See response to item a above. The project is merely the authorization of the continuation of existing activities.

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

See response to item a above.

Specific References (a, b, c, etc):

City of San Jose, Draft Environmental Impact Report Lowe's Home Improvement Warehouse, Cottle Road, South San Jose Planned Development Rezoning, August 6, 2003.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

12. Population and Housing

Project activities likely to create an impact:

- Continued facility operations;
- Corrective Action Determination for Parcel O-6

Description of Environmental Setting:

Residential communities with intermixed commercial areas characterize the area surrounding the Hitachi GST Facility. Residential Housing is located northeast of the Facility across Monterey Highway and west- southwest of the Facility.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Induce substantial population growth in area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Hitachi GST does not expect to increase operations to an extent that would affect the employment and/or housing market in the area.

Please refer to the discussion in the Land Use section. This project will remove a barrier to growth by issuing a Corrective Action Complete determination for Parcel O-6. The existence of Corrective Action on a parcel prevents land transfer and property development, and it does present an obstacle to growth. However, Corrective Action Complete determination under this project is not growth inducing. No essential resources previously missing from the area would be provided as part of the project. This project does not provide or extend infrastructure, such as sewer or roadways to a previously undeveloped area, or amenities.

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

Please refer to the response in a. The Hitachi GST Facility does not plan to expand operations to an extent that would result in any changes to existing employment or housing.

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Please refer to the responses to items a. and b. above. Displacement of people would not be anticipated. As explained, growth may result from future property development that is not a part of this project.

Specific References (list a, b, c, etc):

City of San Jose, Draft Environmental Impact Report Lowe's Home Improvement Warehouse, Cottle Road, South San Jose Planned Development Rezoning, August 6, 2003.

City of San Jose, Notice of Public Scoping Meeting for the Hitachi Environmental Impact Report, July 16, 2004.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

13. Public Services

Project activities likely to create an impact.

In the event of a Facility fire or other Facility emergency, fire department and medical emergency room services would be needed.

Description of Environmental Setting:

The Facility maintains security services on-site. Security is provided 24 hours a day as detailed in the Project Description. In addition, the Facility perimeter is fenced. Access to the Facility is controlled by Security personnel to prevent unauthorized entry. In addition, access within the facility is controlled through Facility Security. Patrol is also maintained 24 hours a day. Closed circuit televisions monitor special areas, that is, lobbies and docks. Alarms are located in high security buildings and include motion detectors, door contact alarms, infrared alarms, and "panic buttons."

The main police department is the San Jose Police Department approximately 9 miles north of the Facility, although there are closer satellite facilities.

The nearest fire department is approximately 1.5 miles south of the Facility. The Facility fire protection water supply is privately owned and consists of three automatic 1,500 gallons per minute at 100 pounds psig (pounds per square inch generated) fire pumps. The Number 1 fire pump is located in the basement of Building 011 and is automatically activated by an electronic controller at 90 psig. The Number 1 pump takes suction through a 12-inch main from a 340,000 gallon open top concrete reservoir. The Number 3 fire pump is activated by an automatic fire pump controller. This pump takes suction from a 250,000 above-ground steel tank through a 10-inch main. The Number 2 fire pump is located south of Building 007 and is activated at 75 psig by an automatic fire pump controller. The Number 3 pump takes suction through a 24-inch main from the 3,600,000 gallon Homestead Lake, which is supplied by a deep well pump situated near the lake.

The Facility also maintains an emergency Contingency Plan. This plan describes the actions to be taken by the Facility in response to fires, explosions, or other significant releases of hazardous waste to air, soil or surface water. The plan is designed to minimize hazards to human health or the environment resulting from a hazardous waste incident. This plan also applies to leased (tenant-occupied) facility areas. In the event the tenant does immediately respond to an incident,

Hitachi, GST, will immediately take action. Contingency Plan copies are maintained at the facility and are submitted to local police departments, fire departments, hospitals, state and local emergency response teams that may be called upon to provide emergency services. In addition, the City of San Jose Police Department and Fire Department conduct familiarization tours on a periodic basis.

A community hospital is located south of the Facility. Only accidental releases might affect public services in the area by creating a temporary need for services.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:
- Fire protection
 - Police protection
 - Schools
 - Parks
 - Other public facilities

There are no specific, routine Facility activities that might impact public services in the area. Routine Facility activities are not expected to result in the significant public services needs above the level customarily present for the Facility.

Specific References (list a, b, c, etc):

City of San Jose, Draft Environmental Impact Report Lowe's Home Improvement Warehouse, Cottle Road, South San Jose Planned Development Rezoning, August 6, 2003.

City of San Jose, Notice of Public Scoping Meeting for the Hitachi Environmental Impact Report, July 16, 2004.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

14. Recreation

Project activities likely to create an impact:

- Continued facility operations;
- Corrective Action Determination for Parcel O-6

Description of Environmental Setting:

There are multiple parks within the Hitachi GST Facility vicinity. These parks are generally used for hiking and picnicking or competitive sports.

Please refer to the discussion in the Land Use section. This project will remove a barrier to growth by issuing a Corrective Action Complete determination for Parcel O-6. The existence of Corrective Action on a parcel prevents land transfer and property development, and it does present an obstacle to growth. However, the Corrective Action Complete determination under this project is not growth inducing. No essential resources previously missing from the area would be provided as part of the project. This project does not provide or extend infrastructure, such as sewer or roadways to a previously undeveloped area, or amenities.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Facility activities will not change the use of recreational areas within or surrounding the Facility.

- b. Include recreational facilities or require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

As stated in a above, Facility activities are not expected to result in changes to recreational facilities in the vicinity of the Facility.

Specific References (list a, b, c, etc):

City of San Jose, Draft Environmental Impact Report Lowe's Home Improvement Warehouse, Cottle Road, South San Jose Planned Development Rezoning, August 6, 2003.

City of San Jose, Notice of Public Scoping Meeting for the Hitachi Environmental Impact Report, July 16, 2004.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

15. Transportation and Traffic

Project activities likely to create an impact:

Continued Facility operations are not anticipated to create an impact.

Hauling materials from the parcel O-6 remediation for off-site disposal has the potential to create some short-term traffic impacts.

Description of Environmental Setting:

There are three major thoroughfares located in the vicinity of the IBM facility. Highway 85 is to the south of the Facility and Monterey Highway and Highway 101 are located just north of the Facility. The County light rail system is located immediately south of the Facility. These thoroughfares are major arteries for commuting in the San Jose area. There are also multiple major thoroughfares surrounding the facility.

Chemical wastes are hauled off-site by several private waste hauler companies. Waste trucks usually enter and leave the Facility plant site through the main gate at Cottle and Poughkeepsie or Gate 8 at the southwest Facility corner. Typically, hazardous wastes are shipped off-site for disposal or recycling using 45 foot enclosed van trailers, stake side flatbeds, bobtail enclosed van, or tanker trucks as required depending on the waste types to be shipped. Most shipments are made in tankers that are used for solvent waste transport to recyclers. Bulk hazardous Waste destined for off-site

transport is loaded on to registered licensed hazardous waste hauler vehicles under the supervision of the Chemical Operations staff. Trucks travel on Highway 101.

The Facility operates 24 hours per day, 3 shifts per day, seven days per week. Approximately 5,500 vehicles per day are on site. Most employees park their vehicles in Facility parking lots.

Impacted materials for off-site disposal will be transported in end-dump trailers/trucks to the designated disposal facility. Prior to loading, all dump trucks will be staged on-site to avoid impacts on the local streets. Dump trucks to be loaded will not be allowed to cross removal or staging areas. Traffic will be coordinated so that no more than three dump trucks will be on the site at one time in order to reduce truck traffic on the surrounding surface streets and to reduce dust generation during on-site transportation. While on site, all vehicles will be required to maintain slow speeds less than five miles per hour for safety purposes and for dust control measures.

Excavated materials will be hauled using arterial streets and/or freeways approved for truck traffic to minimize any potential impact on the local neighborhood. Trucks will exit the site at Gate 8 and go southeast on Via del Oro. After approximately 0.8 miles, the trucks will turn left on to Bernal Road and travel 0.8 miles north and merge onto US Highway 101 South. The trucks will then travel south on US Highway 101 for approximately 21 miles to Exit 356. At Exit 356, the trucks will follow signs for the Pacheco Pass Highway/California Highway (CA) 152 East, and the trucks will travel east on Pacheco Pass Highway CA-152 East for approximately 38 miles and merge onto Interstate 5 South. The trucks will then travel south on I-5 toward Los Angeles for approximately 94 miles and exit at Highway 41 South in Kettleman City. The trucks will then travel south on Highway 41 for approximately 2.5 miles. The trucks will then turn right onto Old Skyline Road and follow it into the Kettleman Hills Landfill. It is estimated that approximately 15 to 20 trucks will be used to transport disposal materials off site and that up to 15 loads could be transported in one day. This truck volume is not expected to disrupt local traffic. When possible, transportation will be timed to avoid peak traffic hours.

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

There are no planned changes to the existing delivery and pickup transportation schedules and activities for the Facility. No changes to the Facility are planned. Facility operations will remain the same.

As explained in the Environmental Setting above, trucks hauling excavated materials from parcel O-6 operations will be staged to avoid traffic impacts.

- b. Exceed, either individually or cumulatively, a level of service standard established by the country congestion management agency for designated roads or highway.

Refer to the response to item a. Trucks hauling excavated materials from parcel O-6 operations will be staged to avoid traffic impacts.

Facility activities are not expected to result in impacts to the established level of service for area roads and highways.

- c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Facility activities are not expected to increase hazards of existing roads or highways.

Refer to the response to item a. Trucks hauling excavated materials from parcel O-6 operations will be staged to avoid traffic impacts.

- d. Result in inadequate emergency access.

Facility activities are not expected to result in changes to existing Facility emergency egress.

As stated in the Environmental Setting, operations related to parcel O-6 will be staged so that no more than three dump trucks will be on the site at one time in order to reduce truck traffic on the surrounding surface streets during transportation. While on Parcel O-6, all vehicles will be required to maintain slow speeds less than five miles per hour for safety purposes and for dust control measures.

e. Result in inadequate parking capacity.

Facility parking will be managed as employee needs dictate. The Facility will be required by the City of San Jose to retain adequate parking space in lieu of future developments.

f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Facility activities are not expected to result in conflicts with planned transportation activities in the area. Facility employees currently use various commute methods that are supported by existing facility layouts.

Specific References (list a, b, c, etc):

City of San Jose, Intent to Adopt a Mitigated Negative Declaration, Police Substation, Public Project File No. PPO4-304, November 12, 2004.

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

16. Utilities and Service Systems

Project activities likely to create an impact:

Shipment of hazardous waste to a landfill;

Discharge of rainwater to the local storm water sewer system; and

Discharge of waste water to a Publicly Owned Treatment Works.

Description of Environmental Setting:

There are multiple utilities (i.e. sanitary and storm sewers, electrical distribution line) common to an urban metropolitan area in the Hitachi GST Facility vicinity. There are also several P G & E substations in the Facility vicinity including one within the Hitachi GST Facility property.

Analysis of Potential Impacts. Describe to what extent project activities would:

a. Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board.

The Facility has been issued a waste water discharge permit by the San Jose/Santa Clara Waste Water Treatment Plant. There are no plans to change Facility operations or utilities that would impact discharge limits established in this permit or the POTW which is permitted by the Regional Water Quality Control Board. The waste streams from the various manufacturing areas throughout the Facility are conveyed through a network of pipelines contained in trenches and tunnels to Buildings 110 A and D. These treatment systems treat the various waste water streams to an acceptable level

for the intended use or to meet the discharge requirements set forth by governmental standards. As with most such systems, operational parameters such as flow rates, chemical additives, flow paths, treatment processes, process parameters (including but not limited to pH, suspended solids, total dissolved solids, total organic carbon, heavy metals, etc.) and other aspects of the system are subject to change as operational conditions dictate. Changes to system operation are made as necessary in order to provide continued compliance with the discharge requirements set by the local POTW and other applicable requirements (for example, Occupational Safety and Health Administration, Bay Area Air Quality Management District, etc.). Changes required to the system will be documented through modifications to the DTSC permit to be issued as a result of this project, as well as permits issued by other applicable agencies.

The Hitachi GST Facility also retains a National Pollutant Discharge Elimination System (NPDES) permit from the California Regional Water Quality Control Board (RWQCB) which allows the Facility to discharge rainwater to the local storm water sewer system. From the Facility, water is discharged to surface water and then flows into the San Francisco Bay. Before discharge, the water must be assessed to ensure that it meets the discharge requirements established in the permit. Sometimes, an on-site granular activated carbon system is used to treat rainwater from Facility waste vaults and tank farms prior to discharge. In other cases, the rainwater is treated at the on-site Facility Industrial Waste Water Treatment Facility. This treatment is performed to remove materials from the water so that it does not exceed permit discharge limits. Rainwater that cannot be treated to meet the NPDES permit discharge limits is sent to an appropriate off-site treatment or disposal facility.

- b. Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

There are no specific activities that might impact utilities and service systems at the Facility other than those described above. There are no plans to change Facility operations or utilities that would impact discharge volumes to the POTW permitted by the RWQCB. In addition, utility requirements (i.e. electrical, gas, etc.) are not expected to change at the Facility.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

See response to item b above. No changes to the current Facility are planned.

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

The Facility has drinking water wells on-site which are used to supply both domestic and industrial use. There are no planned changes which will result in any changes in the volume of water usage.

- e. Result in determination by the waste water treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments.

There are no plans to change facility operations or utilities that would impact discharge volumes to the POTW which is permitted by the Regional Water Quality Control Board.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs.

Hitachi GST has selected as its contractor, Waste Management, Inc., Kettleman Hills, to receive waste from the Hitachi facility. Waste Management has confirmed that it has sufficient capacity to receive waste from the Hitachi facility. In addition, the Hitachi facility does not plan to change facility operations that would necessitate increased landfill capacity. In the event the Kettleman Hills facility cannot accept Hitachi's waste, Hitachi has indicated that it will use Safety Kleen Corporation located in Utah.

- g. Comply with federal, state, and local statutes and regulations related to solid waste.

The Hitachi GST Facility will comply with state, federal, and local statutes pertaining to solid waste.

Specific References (list a, b, c, etc):

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

17. Mandatory Findings of Significance

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

Due to the Facility engineering controls described in the Air, Hazards, Hydrology, Utilities, sections of this Initial Study, it is unlikely that the normal Facility operations will have a substantial adverse effect on the animals or plant communities or historical resources listed above.

- b. Have impacts that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Please refer to the response in item a. The engineering controls instituted by the Facility as well as the tank, container, and pipeline design will assist in preventing and minimizing the potential for releases of harmful substances into the environment.

As stated in the Land Use section, on November 12, 2004, the City of San Jose issued a Mitigated Negative Declaration for the proposed police substation. The project mitigations are related to construction activities that will result from development. This document can be located on the City of San Jose's web site and is titled "Intent to Adopt a Mitigated Negative Declaration, Police Substation number PPO4-304." Also, on August 5, 2004, the City of San Jose issued a Notice of Preparation announcing the Draft EIR for proposed land use changes for the Hitachi campus. Among the changes included in this proposal are: change from Industrial Park to Mixed Use with No Underlying Land Use Designation and update the General Plan's Mixed Use Inventory via a text amendment; Rezone the site from Industrial Park to Planned Development; and establish a development agreement between Hitachi GST to provide objectives and guidelines for the development of the site. The City of San Jose will prepare a Draft EIR that evaluates the environmental impacts from the proposed projects. The City of San Jose anticipates releasing the Draft EIR in 2005. This Draft EIR will include a human health risk assessment based on past facility use.

As mentioned in the Land Use section, this project will remove a barrier to growth by issuing the Corrective Action Complete determination for Parcel 0-6. The existence of Corrective Action on a parcel prevents land transfer and property development, and it does present an obstacle to growth. However, Corrective Action Complete determination under this project is not growth inducing. No essential resources previously missing from the area would be provided as part of the project. This project does not provide or extend infrastructure, such as sewer or roadways to a previously undeveloped area or amenities.

As previously described, Parcel 0-6 will be cleaned according to the Removal Action Workplan. When cleanup goals are achieved, this will allow the Southside Police Substation construction to take place. As mentioned in the Geology and Soils section, after the removal action is complete, the City of San Jose will back fill the excavations according to their redevelopment and construction plans.

As stated previously in the Project Description, on August 21, 2002, the RWCB rescinded SCR Order No. 88-157 and approved a revised Final Site Cleanup Requirements Order No. R2-2002-0082. Significant changes in the new SCR Order include the following: groundwater cleanup standards for the B-zone and deeper aquifers are based on drinking water standards rather than hazard index calculations; soil cleanup requirements are eliminated (since known, affected

soils are remediated); requirements for specific methods of statistical data evaluation is removed; reporting frequency is reduced; and, there is a list of wells and sampling frequencies. The Corrective Action section of the Draft Permit places the ultimate responsibility for Facility corrective action on Hitachi GST. IBM is required to complete corrective action in accordance with the RWQCB SCR Order. However, Hitachi GST is required to complete corrective action if IBM fails to do so. The Draft Permit also requires Hitachi GST to notify DTSC and to complete corrective action for any new or newly discovered releases that are not covered by the RWQCB SCR Order R2-2002-0082.

- c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Please refer to the response to items a and b above.

Specific References (list a, b, c, etc):

City of San Jose, Draft Environmental Impact Report Lowe's Home Improvement Warehouse, Cottle Road, South San Jose Planned Development Rezoning, August 6, 2003.

City of San Jose: <http://www.sanjoseca.gov/planning/eir/MND2004.htm>

City of San Jose, Intent to Adopt a Mitigated Negative Declaration, Police Substation, Public Project File No. PPO4-304, November 12, 2004.

City of San Jose, Notice of Public Scoping Meeting for the Hitachi Environmental Impact Report, July 16, 2004.

ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.

Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.

Findings of Significance:

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigated
☒ Less Than Significant Impact
☐ No Impact

V. FINDING OF DE MINIMIS IMPACT TO FISH, WILDLIFE AND HABITAT (Optional)

Prepared only if a Finding of De Minimis Impact to fish, wildlife and habitat is proposed in lieu of payment of the Department of Fish and Game Notice of Determination filing fee required pursuant to section 711.4 of the Fish and Game Code.

Instructions

A finding of "no potential adverse effect" must be made to satisfy the requirements for the Finding of De Minimis Impact as required by title 14, California Code of Regulations, section 753.5. "No potential adverse effect" is a higher standard than "no significant impact" and the information requested to provide substantial evidence in support of a "no potential adverse effect" is not identical in either its standard or content to that in other parts of the Initial Study.

In the *Explanation and Supporting Evidence* section below, provide substantial evidence as to how the project will have **no potential adverse effect** on the following resources:

- a) Riparian land, rivers, streams, watercourse, and wetlands under state and federal jurisdiction.
- b) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife.
- c) Rare and unique plant life and ecological community's dependent on plant life.

- d) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- e) All species of plant or animals as listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code, or regulation adopted there under.
- f) All marine and terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.
- g) All air and water resources the degradation of which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air and water.

Explanation and Supporting Evidence

(Note: Relevant portions of the Initial Study may be referenced where appropriate)

Finding

No Finding of De Minimis Impact.

VI. DETERMINATION OF APPROPRIATE ENVIRONMENTAL DOCUMENT

On the basis of this Initial Study:

☒ I find that the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED DECLARATION will be prepared.

☐ I find that the proposed project MAY HAVE a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.

DTSC Project Manager Signature		Date
Paul E. Ruffin	Hazardous Substances Engineer	(906) 255-6677
DTSC Project Manager Name	DTSC Project Manager Title	Phone #
DTSC Branch/Unit Chief Signature		Date
Mohinder S. Sandhu	Chief, Standardized Permtting and Corrective Action Branch	(916) 255-3716
DTSC Branch/Unit Chief Name	DTSC Branch/Unit Chief Title	Phone #

ATTACHMENT A**INITIAL STUDY REFERENCE LIST**

For
Hitachi Global Storage Technologies, Inc.

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1. Bay Area Air Quality Management District (BAAQMD), "Meteorological Monitoring Guidance," Manual of Procedures, Volume IV, Appendix A, May 8, 1996.
 2. California Department of Fish and Game Natural Diversity Data Base (Rarefind) San Jose West and San Jose East November 18, 2004 quadrants.
 3. City of San Jose, Draft Environmental Impact Report Lowe's Home Improvement Warehouse, Cottle Road, South San Jose Planned Development Rezoning, August 6, 2003.
 4. City of San Jose: <http://www.sanjoseca.gov/planning/eir/MND2004.htm>.
 5. City of San Jose, Intent to Adopt a Mitigated Negative Declaration, Police Substation, Public Project File No. PPO4-304, November 12, 2004.
 6. City of San Jose, Notice of Public Scoping Meeting for the Hitachi Environmental Impact Report, July 16, 2004.
 7. ENVIRON International, Corporation, Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California, March 3, 2005.
 8. Environmental Information (DTSC Form 1176) submitted by Hitachi GST on August 23, 2002 and updated via e-mail periodically since that date as required.
 9. Hitachi Global Storage Technologies, Inc., Operation Plan, January 23, 2003, revised February 11, 2005.
 10. U. S. Environmental Protection Agency (USEPA), Meteorological Monitoring Guidance for Regulatory Modeling Applications, EPA-454/R-99-005, February 2000.
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ATTACHMENT B
INITIAL STUDY
LIST OF FIGURES AND EXHIBITS

For
Hitachi Global Storage Technologies, Inc.

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1. Figure 1, Site Orientation Map
 2. Figure 2, Location of Hazardous Waste Management Units
 3. Exhibit A, Draft Hazardous Waste Facility Permit for Hitachi Global Storage Technologies, Inc.
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